IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 6121 of 2005

Smt. Anjali B. Palande ... Petitioner
vs.
State of Maharashtra and ors. ..... Respondents

Mr. A. M. Joshi for Petitioner
Mr. A. A. Kumbhakoni, Associate Advocate General
with Mrs. M. P. Thakar AGP for Respondents

CORAM: **F. I. REBELLO & ROSHAN DALVI JJ.**
Date: 22/12/2005

P.C.

Rule. Heard forthwith.

The Petitioner possess B.A. B.Ed., qualification and has been appointed as a primary teacher. Consequent to the Full Bench Judgment of this court which was rendered in the year 2000 though the school was recognized in 1999 and inspection done, the Petitioner's could not get approval for his appointment as minimum qualification for a temporary teacher is D.Ed.

The State Government issued a G.R., permitting those who were teaching up to the year 1997 to do postal D.Ed., course. Admittedly the Petitioner does not fall within the cut off date. Consequently that G.R., would not be applicable to the Petitioner.

The Petitioner however, contends that subsequent to the judgment of the Full Bench, Government issued

another circular permitting those who do not have D.Ed., qualification to do postal D.Ed., course.

As there was some difficulty in the translation we sought the assistance of the learned Associate Advocate General. The circular as it reads permits only those teachers who wee appointed and approved prior to the judgment of the Full Bench Judgment to pursue the postal D.Ed., course. The Petitioner is not covered by the said circular. The Petitioner however, contends that had his appointment been approved before the Full Bench Judgment the claim of the Petitioner would also have been covered. It is for the Petitioner to represent her case before the Government i.e., to the Secretary, School Education Department, that persons like her who had been appointed before the Full Bench Judgment but were not approved should also be considered to do their postal D.Ed., course. On such representation being made it is open for the State Government to take a decision thereon, at any rate not later than 8 weeks from the date of the Petitioner making her representation. With the above observations the Petition stands disposed of.

(F. I. REBELLO J.)

(ROSHAN DALVI J.)